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## MEMORANDUM

TO: The Honorable City Council

REVIEWED: Ronald H. Williams, Jr. Deputy City Manager

Leonard M. Newcomb III, CFM, Assistant Director, City Planning  
CC TO: Susan Pollock Hart, CFM, Principal Planner, City Planning

FROM: George M. Homewood, AICP, CFM, Director, City Planning

Change of zoning from R-8 (Single-Family) district to conditional C-1 (Limited Commercial) district and an Entertainment Establishment Special Exception at  
SUBJECT: 2729 Bowdens Ferry Road – Andalousi

DATE: May 5, 2016

On the May 10, 2016 Regular Agenda, City Council will be reviewing two requests by Andalousi: a change of zoning from R-8 (Single-Family) district to conditional C-1 (Limited Commercial) district and a special exception request to operate an entertainment establishment with alcoholic beverages at 2729 Bowdens Ferry Road. The site is located on the west side of Bowdens Ferry Road, just south of 37<sup>th</sup> Street, within the Lamberts Point neighborhood. The applicant, Omar Boukhriss, proposes to operate a banquet facility with alcohol and entertainment. Mr. Boukhriss currently operates “Omar’s Carriage House,” located in the West Freemason neighborhood.

The site is currently developed as a religious institution (most recently the Greater House of Faith Apostolic Church), although it has been vacant for some time. The site is zoned R-8, which allows religious institutions with a special exception. Any new religious institution that proposed to use this building would need to apply for a special exception. The existing building is not located within a federal, state, or local historic district. However, since the original structure on the site was built in 1895 and is at least 50 years old, it could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

The City's general plan, *plaNorfolk2030*, identifies this site as single-family traditional; thus the proposed use as a banquet hall is not consistent with *plaNorfolk2030*. However, the Preserving Our Heritage chapter of *plaNorfolk2030* calls for protecting Norfolk's historic resources, in part by encouraging the re-use of nonconforming historic structures. The applicant is proposing an adaptive reuse of the existing church to a banquet facility. As part of the conditional rezoning, the applicant has proffered that the building on the site shall not be demolished and that no modifications will be made to the exterior of the building.

The Planning Department received two letters from the Lamberts Point Civic League. The first, dated December 31, 2015, expressed support for the application to convert the church to a banquet hall with entertainment and alcohol. The second, dated February 20, 2016, reiterated the unanimous support from the civic league for this application. However, at the Planning Commission public hearing, three residents of Lamberts Point voiced their opposition to this application, stating concerns over the use of the property as an entertainment establishment and the noise that may be generated later into the evening hours.

After conducting a duly advertised public hearing on February 25, 2016, at which the applicant and Lamberts Point Civic League provided comments, the City Planning Commission voted **5 to 1** (Mr. Hales was absent for this vote) to recommend **approval** of the application. The dissenting vote was based on concerns raised by residents of the neighborhood who came to the hearing and a desire to consider an 18-month "sunset clause" on the approval in order to address these concerns. However, given that the investment required to convert the existing building is quite substantial, such a sunset clause would negatively impact the ability to finance the project and likely would effectively be a denial. The lack of the 18-month sunset clause does not inhibit City Council's ability to revoke a special exception if the operator fails to run the establishment in compliance with the adopted ordinance.

There is no parking available on the church property so the applicant provided a tentative agreement for use of the parking at the Madison Career Center which is located directly across Lamberts Point Road to the east. Subsequent to the hearing, the applicant was unable to finalize that agreement, however, agreements with two other nearby businesses have been provided; agreements for the parking lot located at 1225 West 26<sup>th</sup> Street and owned by RG Electric Company, Inc. and parking located at 2701 Hampton Boulevard and owned by ODU Credit Union. A condition of the special exception is that the applicant provide a minimum of 35 parking spaces for his patrons.

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